

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKSECURITIES AND EXCHANGE COMMISSION, 1:08-cv-07-104-DC  
Plaintiff,  
- against -  
STEVEN BYERS, JOSEPH SHERESHIEVSKY,  
WEXTRUST CAPITAL, LLC, WEXTRUST  
EQUITY PARTNERS, LLC, WEXTRUST  
DEVELOPMENT GROUP, LLC, WEXTRUST  
SECURITIES, LLC, and AXELA HOSPITALITY,  
LLC,SEC Securities Exchange  
Commission

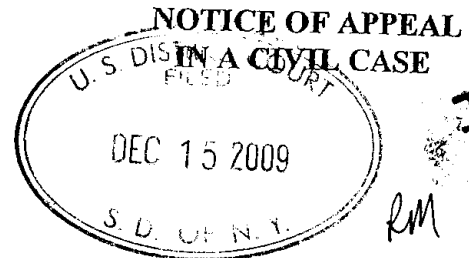
(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

Civ. 08CV07104

- against -

Yivian OrgelPro SE628 Redgate AveNorfolk, VA 23507

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)



Notice is hereby given that

Yivian Orgel, investor #6011  
(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment /Decision/Order for the September 24, 2009 appearance in front of Judge Denny Chinn, requesting to exclude my \$200,000.00 in the Pro Rata Distribution. Judge Denny Chin was in error in ordering that my \$200,000.00 deposit into the ATM II account be included in the Pro Ra distribution plan. Said deposit was not commingled with tainted money, and therefore, as per Judge Chin's reasoning in his opinion/order filed 7/23/09 and the cases he cited therein, my money should be excluded from the Pro Rata distribution plan and returned to me in full. The judges previous decision included what his criteria was for representation further evidence. He did not allow this claim to be heard. I was denied in entered in this action on the 12/3 09 day of December 3, 2009. 8 minutes. The transcript says part of the information the judge did not allow to answer his own criteria

Signature

Address

City, State &amp; Zip Code

DATED: Oct 11, 2009(757) 630 2540  
Telephone Number

NOTE: To take an appeal, this form must be received by the Pro Se Office of the Southern District of New York within thirty (30) days of the date on which the judgment was entered, or sixty (60) days if the United States or an officer or agency of the United States is a party.